

Attorney General

Analyst: Burns

Historical Summary

OPERATING BUDGET	FY 2008 Total App	FY 2008 Actual	FY 2009 Approp	FY 2010 Request	FY 2010 Gov Rec
BY PROGRAM					
State Legal Services	17,827,800	17,677,900	19,371,200	22,160,900	19,025,500
Special Litigation	2,159,400	741,400	951,600	951,600	951,600
Total:	19,987,200	18,419,300	20,322,800	23,112,500	19,977,100
BY FUND CATEGORY					
General	19,120,800	17,605,300	19,215,600	21,893,400	18,775,900
Dedicated	206,300	181,500	225,200	229,700	225,000
Federal	660,100	632,500	882,000	989,400	976,200
Total:	19,987,200	18,419,300	20,322,800	23,112,500	19,977,100
Percent Change:		(7.8%)	10.3%	13.7%	(1.7%)
BY OBJECT OF EXPENDITURE					
Personnel Costs	16,674,000	16,428,700	17,823,400	20,648,800	17,789,300
Operating Expenditures	3,093,200	1,590,400	2,208,700	2,246,900	2,153,300
Capital Outlay	195,000	375,200	290,700	216,800	34,500
Trustee/Benefit	25,000	25,000	0	0	0
Total:	19,987,200	18,419,300	20,322,800	23,112,500	19,977,100
Full-Time Positions (FTP)	201.15	201.15	205.15	226.15	214.15

Department Description

The Attorney General is an elected constitutional official who serves as the state's chief legal officer. The responsibilities of the office are executed by eight separate divisions budgeted in two different programs.

STATE LEGAL SERVICES:

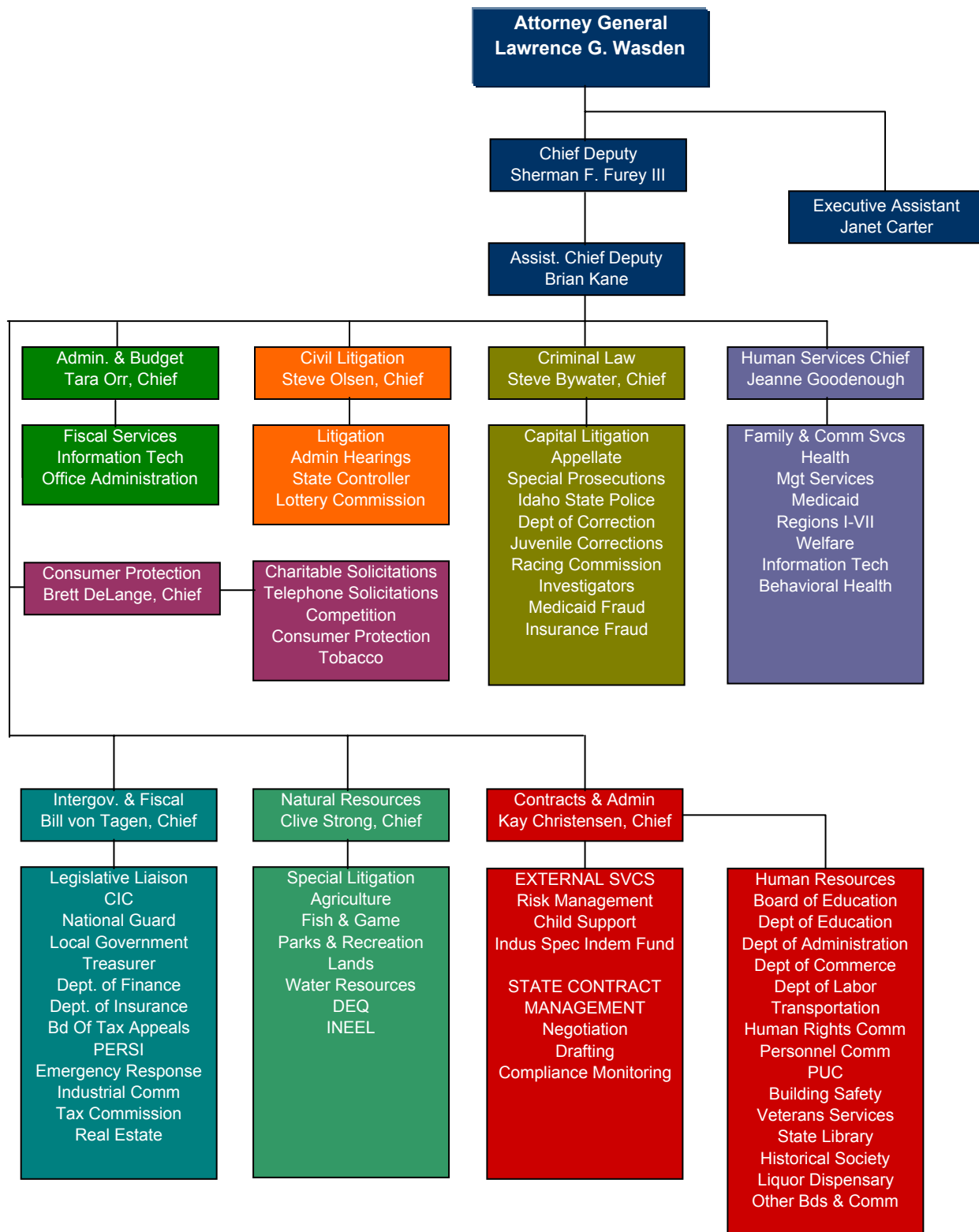
1. Civil Litigation: Provides centralized civil litigation advice and representation in cases for all state agencies, and defends the state in tort claims, actions against the judiciary, employment claims against state agencies, and actions against the Legislature.
2. Consumer Protection: The Consumer Protection Division enforces Idaho's consumer protection, telephone solicitation, charitable solicitation, and pay-per-telephone call statutes, as well as other laws. The division also enforces and defends the state's Master Settlement Agreement with the tobacco industry.
3. Contracts and Administrative Law: Manages outside legal contracts for the Bureau of Risk Management, the Bureau of Child Support, and the Industrial Special Indemnity Fund, including assignment of cases to outside legal counsel, monitoring and supervision of cases, and review and approval of attorney billings.
4. Criminal Law: Represents the state in criminal appeals before the Idaho Supreme Court, the Idaho Court of Appeals, and in death penalty appeals in state or federal courts. Provides prosecutorial and investigative assistance statewide to counties. It also prosecutes Medicaid fraud within the state of Idaho.
5. Human Services: Provides legal service to the Department of Health & Welfare.
6. Intergovernmental & Fiscal Law: Provides legal advice to the Secretary of State and the State Treasurer, counties, cities, and special districts in the state. Provides legal representation to several state agencies.
7. Natural Resources: Provides legal services to the natural resources agencies, and represents the State of Idaho in current endangered species litigation, Snake River Adjudication, state timber sales and grazing leases.
8. Administration & Budget: The Administration and Budget Division is responsible for providing support services to the Office of Attorney General. Accounting services provided include payroll, accounts payable and accounts receivable. The division prepares the annual budget request and manages the day-to-day expenditure of funds in accordance with established fiscal and accounting standards. Computer and communication services include management of the office computer and telephone systems.

SPECIAL LITIGATION PROGRAM: Funds are used to engage private legal representation when required due to ethical conflict between governmental entities, hire technical experts when the Attorney General's staff does not have the necessary expertise, and cover the cost of extraordinary unanticipated litigation.

Attorney General Agency Profile

Analyst: Burns

Organizational Chart



Attorney General

Agency Profile

Analyst: Burns

Sources of Funds

	Percent of Total	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request
1. General Fund (0001-00)	96%	17,605,300	20,167,200	21,893,400
General Fund: Derived from individual and corporate income tax, sales tax, cigarette tax, beer and wine tax, liquor surcharge, kilowatt hour tax, and other miscellaneous taxes. Used for personnel, operating and capital outlay.				
2. Consumer Protection Fund (0349-04)	1%	155,900	225,200	229,700
Penalties, costs and fees recovered by the Attorney General. At the beginning of each fiscal year any cash in excess of 150% of the current year's appropriation is deposited into the General Fund.				
3. Permanent Building (0365-00)	0%	25,600	0	0
Consists of a \$10 tax paid by every person and corporation required to file an income tax return; \$5 million per year comes from the Sales Tax; 17.3% of 47 cents of the per pack cigarette tax; 33% of the \$4.65 tax per barrel of 31 gallons of beer sold; one-half of state lottery earnings; interest from the Budget Stabilization Fund as well as interest from the PBF itself. Moneys are dedicated to building, renovating, or repairing existing structures. It also is used in support of certain Public Works' activities and for some building bond payments. Expenses incurred by the Office of the Attorney General from this fund in FY2007, were related to establishing a new Medicaid Fraud Control Unit.				
4. Federal Grant (0348-00)	3%	632,500	882,000	989,400
Includes moneys received from the federal government for Medicaid Fraud Control activities and for Internet Crimes Against Children (ICAC)				
Total	100%	18,419,300	21,274,400	23,112,500

Attorney General

Agency Profile

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Special Litigation Summary	FY 06 Act	FY 07 Act	FY 08 Act
GENERAL LITIGATION EXPENSES BY CASE	\$215,187	\$135,764	\$185,971
05000 Special Litigation One-Time Charges	2,979	8,122	5,600
05006 Idaho Gas Investigation	16,110	491	0
05008 ITD Billiar Condemnation	72,706	0	0
05010 Kress v. Copple-Trout	0	0	120,712
05015 State v. Deborah Bail	7,329	23,571	0
05016 PEA v. Wasden	431	0	11,680
05017 Public Schools ISEEO	3,486	0	0
05019 Child Sex Abuse Cases	17,500	0	17,500
05020 Tobacco	0	8,750	0
05021 Tobacco Diligent Enforcement	1,485	0	0
05022 Tobacco Litigation	45,281	0	18,630
05023 State of Idaho DHW v Judge Julian	2,263	30,594	0
05024 Big Bucks Bingo	0	1,811	0
05070 Planned Parenthood v. Lance	21,779	756	0
05080 Jeff D. Lawsuit	0	17,849	0
05300 Imaging	23,838	0	11,850
05301 Matter Management	0	43,821	0
NATURAL RESOURCES LITIGATION BY CASE	\$758,748	\$107,336	\$452,333
05001 U.S. v. Oregon	2,901	5,065	3,682
05027 Endangered Species	31,053	3,486	558
05028 Nuclear Waste Lawsuits	15,532	740	0
05029 Defenders of Wildlife v. USF&WS/Hall	0	0	626
05030 ICL v. State Priest Lake	344	0	0
05042 Lemhi Conservation	262	80	549
05043 Conjunctive Management - Litigation	11,561	30,630	62,837
05044 American Rivers v. NOAA	903	681	5,036
05045 Natural Resources Interim Comm ESPA	41,173	1,625	3,631
05047 ICL Timber Sales	99	0	0
05048 ICL Timber Sales v Idaho Grey Lake	0	0	565
05051 Sho-Pai Claims	654,194	3,101	0
05052 ICL v. State Preist Lake	240	0	2,430
05058 Land Board Litigation	0	597	2,173
05059 Idaho Power Relicensing	454	0	0
05060 Idaho Power Sub Cases	0	59,533	347,869
05065 Hydropower Relicensing	32	973	113
05067 CDA 518 Admin Case	0	0	16,816
05069 State v. USFS Roadless	0	0	542
05076 North Idaho Adjudication	0	680	0
05077 Safe v. ISDA	0	106	3,037
05078 AFRD#2 v. Dreher	0	39	1,870
SNAKE RIVER BASIN ADJUDICATION	\$48,121	\$246,395	\$80,282
DEATH PENALTY LITIGATION EXPENSES	\$7,997	\$173,626	\$22,790
Special Litigation Total	\$1,030,053	\$663,121	\$741,375

Attorney General

Comparative Summary

Analyst: Burns

Decision Unit	Agency Request			Governor's Rec		
	FTP	General	Total	FTP	General	Total
FY 2009 Original Appropriation	205.15	19,215,600	20,322,800	205.15	19,215,600	20,322,800
Reappropriation	0.00	951,600	951,600	0.00	951,600	951,600
Omnibus Rescission	0.00	0	0	0.00	(1,038,900)	(1,038,900)
Health Insurance Reduction	0.00	0	0	0.00	(101,600)	(102,600)
FY 2009 Total Appropriation	205.15	20,167,200	21,274,400	205.15	19,026,700	20,132,900
Noncognizable Funds and Transfers	0.00	0	0	0.00	0	0
FY 2009 Estimated Expenditures	205.15	20,167,200	21,274,400	205.15	19,026,700	20,132,900
Removal of One-Time Expenditures	0.00	(1,278,100)	(1,278,100)	0.00	(1,278,100)	(1,278,100)
Additional Base Adjustment	0.00	0	0	0.00	292,200	292,200
FY 2010 Base	205.15	18,889,100	19,996,300	205.15	18,040,800	19,147,000
Benefit Costs	0.00	195,400	197,900	0.00	93,800	95,300
Replacement Items	0.00	136,500	136,500	0.00	39,600	39,600
Statewide Cost Allocation	0.00	15,300	15,300	0.00	15,300	15,300
Annualizations	0.00	1,800	1,800	0.00	1,800	1,800
Change in Employee Compensation	0.00	461,600	477,500	0.00	1,800	1,800
FY 2010 Program Maintenance	205.15	19,699,700	20,825,300	205.15	18,193,100	19,300,800
1. Market Parity Adjustment	0.00	500,000	500,000	0.00	0	0
2. IT Equipment	0.00	45,000	45,000	0.00	0	0
3. F&G Attorney	1.00	113,300	113,300	1.00	112,300	112,300
4. IBOL Attorney	1.00	101,300	101,300	1.00	100,300	100,300
5. DOL Attorney	1.00	113,300	113,300	0.00	0	0
6. DHW Regional Staff	6.00	490,800	490,800	0.00	0	0
7. AG Paralegal	1.00	71,100	71,100	0.00	0	0
8. AG ICACTF Director	1.00	0	93,500	1.00	0	93,500
9. DHW Welfare Fraud Attorney	1.00	106,800	106,800	0.00	0	0
10. DHW Administrative Fraud Attorney	1.00	101,300	101,300	0.00	0	0
11. AG Investigator	1.00	98,100	98,100	0.00	0	0
12. Evidence Tracking Software	0.00	7,900	7,900	0.00	0	0
13. AG Office Assistant	1.00	24,100	24,100	0.00	0	0
14. Additional Capital Outlay	0.00	44,500	44,500	0.00	0	0
15. DHW Transition Positions	6.00	376,200	376,200	6.00	370,200	370,200
16. Carryover Authority - Special Litigation	0.00	0	0	0.00	0	0
FY 2010 Total	226.15	21,893,400	23,112,500	214.15	18,775,900	19,977,100
Change from Original Appropriation	21.00	2,677,800	2,789,700	9.00	(439,700)	(345,700)
% Change from Original Appropriation		13.9%	13.7%		(2.3%)	(1.7%)

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
FY 2009 Original Appropriation	205.15	19,215,600	225,200	882,000	20,322,800
Reappropriation					
The agency was authorized to reappropriate and carryover its unencumbered and unspent appropriation balance from FY 2008 into FY 2009 for the Special Litigation program only. Carryover required legislative approval and is removed as a one-time expenditure before calculating the next year's base.					
Agency Request	0.00	951,600	0	0	951,600
Governor's Recommendation	0.00	951,600	0	0	951,600
Omnibus Rescission					
Agency Request	0.00	0	0	0	0
General Fund holdbacks, as directed by Executive Orders 2008-3, and 2008-5, are incorporated as a rescission that reduces the General Fund by 4% for FY 2009.					
Governor's Recommendation	0.00	(1,038,900)	0	0	(1,038,900)
Health Insurance Reduction					
Agency Request	0.00	0	0	0	0
The Governor recommends reducing the funding for health insurance by \$500 per FTP, using reserves to offset the increased costs of health insurance for the state for FY 2009 and FY 2010.					
Governor's Recommendation	0.00	(101,600)	(1,000)	0	(102,600)
FY 2009 Total Appropriation					
Agency Request	205.15	20,167,200	225,200	882,000	21,274,400
Governor's Recommendation	205.15	19,026,700	224,200	882,000	20,132,900
Noncognizable Funds and Transfers					
Shifts 7.20 full-time positions from the General Fund to federal funds to more properly reflect the fund source from which they are paid.					
Agency Request	0.00	0	0	0	0
Governor's Recommendation	0.00	0	0	0	0
FY 2009 Estimated Expenditures					
Agency Request	205.15	20,167,200	225,200	882,000	21,274,400
Governor's Recommendation	205.15	19,026,700	224,200	882,000	20,132,900
Removal of One-Time Expenditures					
Agency Request	0.00	(1,278,100)	0	0	(1,278,100)
Governor's Recommendation	0.00	(1,278,100)	0	0	(1,278,100)
Additional Base Adjustment					
Agency Request	0.00	0	0	0	0
For constitutional officers, the Governor recommends no additional base reduction. The FY 2010 Base is 4.5% below the ongoing FY 2009 General Fund Original Appropriation.					
Governor's Recommendation	0.00	292,200	0	0	292,200
FY 2010 Base					
Agency Request	205.15	18,889,100	225,200	882,000	19,996,300
Governor's Recommendation	205.15	18,040,800	224,200	882,000	19,147,000
Benefit Costs					
Provides \$900 per position, which equates to a 10.4% increase for employer-paid health insurance. Also, includes a 19% reduction in life and disability insurance rates from 1.1% to 0.9% of salary for eligible employees.					
Agency Request	0.00	195,400	1,800	700	197,900
Governor's Recommendation	0.00	93,800	800	700	95,300

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
Replacement Items					
Includes \$29,900 for 20 computers, \$13,000 for eight printers, \$30,000 for five servers, \$14,000 for one copier, \$4,500 for phone system reception consoles, \$18,300 for software upgrades, and \$26,800 for other miscellaneous items.					
Agency Request	0.00	136,500	0	0	136,500
Governor's Recommendation	0.00	39,600	0	0	39,600
Statewide Cost Allocation					
The request includes adjustments to recover the costs of services provided to state agencies: \$14,500 for State Controller fees; and \$1,100 for State Treasurer fees. It also includes a reduction of \$300 for property and casualty insurance premiums.					
Agency Request	0.00	15,300	0	0	15,300
Governor's Recommendation	0.00	15,300	0	0	15,300
Annualizations					
This annualization represents a 1.5% salary increase for elected officials for July 1, 2009 to December 31, 2009.					
Agency Request	0.00	1,800	0	0	1,800
Governor's Recommendation	0.00	1,800	0	0	1,800
Change in Employee Compensation					
Agencies were instructed to calculate a 3% salary increase for employees and a 1.5% increase for elected officials for January 1, 2010 to June 30, 2010 in the appropriation request.					
Agency Request	0.00	461,600	2,700	13,200	477,500
Governor's Recommendation	0.00	1,800	0	0	1,800
FY 2010 Program Maintenance					
Agency Request	205.15	19,699,700	229,700	895,900	20,825,300
Governor's Recommendation	205.15	18,193,100	225,000	882,700	19,300,800
1. Market Parity Adjustment					
Funding is requested for bringing office salaries closer to market levels.					
Agency Request	0.00	500,000	0	0	500,000
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
2. IT Equipment					
Includes \$35,000 for storage area network and \$10,000 for an e-mail archiving system.					
Agency Request	0.00	45,000	0	0	45,000
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
3. F&G Attorney					
The Department of Fish and Game currently has one in-house deputy attorney general to serve the legal needs of the department. At present, contracts are delayed or go unreviewed and policy decisions are reached without the benefit of legal advise due to workload. Funding is requested to add one full-time deputy attorney general to help respond to litigation over wolves, big horn sheep, anadromous fish, as well as other at-risk species. In addition, Fish and Game is in the process of implementing a land legacy program that will require significant legal counsel.					
Agency Request	1.00	113,300	0	0	113,300
<i>It is the Governor's intention that the State Controller, at the request of the Attorney General, shall transfer dedicated funds from the Department of Fish and Game to the General Fund those monies necessary to cover all salary, benefit, and operating expense associated with this position. This is designed to alleviate any short-term cost of the new deputy attorney general on the General Fund.</i>					
Governor's Recommendation	1.00	112,300	0	0	112,300

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
4. IBOL Attorney					
The Idaho Bureau of Occupational Licenses (IBOL) currently contracts with outside legal counsel. However, given the bureau's growth over the past several years, they have re-evaluated their needs and have determined that an in-house deputy attorney general would best suit the needs of the boards they serve in a more cost effective manner. Funding is requested to hire one deputy attorney general.					
Agency Request	1.00	101,300	0	0	101,300
<i>It is the Governor's intention that the State Controller, at the request of the Attorney General, shall transfer dedicated funds from the Idaho Bureau of Occupational Licenses Bureau (IBOL) to the General Fund those monies necessary to cover all salary, benefit, and operating expense associated with this position. This is designed to alleviate any short-term cost of the new deputy attorney general on the General Fund.</i>					
Governor's Recommendation	1.00	100,300	0	0	100,300
5. DOL Attorney					
The Department of Lands (DOL) has been examining ways to enhance the earning potential of state endowment lands. Their constitutional mandate to maximize financial return requires them to consider real estate transactions and business proposals that go beyond the traditional natural resource management activities. Funding is requested to hire additional legal expertise in the rules and principles of business and commercial transactions.					
Agency Request	1.00	113,300	0	0	113,300
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
6. DHW Regional Staff					
Funding is requested to hire three Department of Health and Welfare (DHW) regional attorneys that will be assigned to Coeur d'Alene, Boise/Caldwell, and Twin Falls. They will be used to support prosecutors in child protection cases, as well as provide representation in additional child support, welfare, Medicaid, and other departmental services. Because the work is very paper-intensive, funding for three additional secretaries is also requested.					
Agency Request	6.00	490,800	0	0	490,800
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
7. AG Paralegal					
Within the Attorney General's Office, duties of the Appellate Unit have been steadily increasing for several years. In 1997, the division filed approximately 120 "staple" briefs. In 2007, that number had climbed to 336, an increase of 180%. The attorney positions in the unit have been expanded over the last ten years, while staff positions have remained constant. The current paralegal is also responsible for processing between 100 and 150 extraditions per year. Because of these growing demands, funding is requested to hire one additional paralegal.					
Agency Request	1.00	71,100	0	0	71,100
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
8. AG ICACTF Director					
The Attorney General is requesting federal spending authority to hire a director for the Internet Crimes Against Children Task Force. The funding source is from a federal grant received from the United States Department of Justice to interdict, investigate, prosecute, and prevent exploitation of children by offenders who use the internet, on-line systems, or computer technology. This position would execute the policies and directives of the governing board; work directly with local member agencies in directing, conducting and coordinating investigations; and oversee grant compliance.					
Agency Request	1.00	0	0	93,500	93,500
Governor's Recommendation	1.00	0	0	93,500	93,500

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
9.DHW Welfare Fraud Attorney					
The Department of Health and Welfare (DHW) is tasked with the role of investigating fraud in their welfare programs. DHW is pursuing fraud aggressively and when instances of intentional fraud are found, the information is shared with local prosecutors for possible prosecution. These programs involve complex eligibility and reporting regulations and when instances of fraud are revealed, it is often difficult to educate prosecutors on these issues. Funding is requested to hire one deputy attorney general to provide added support for this activity.					
Agency Request	1.00	106,800	0	0	106,800
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
10.DHW Administrative Fraud Attorney					
The number of cases handled by the Medicaid Program Integrity Unit at the Department of Health and Welfare is well beyond the number of appeals that can be handled by the assigned attorneys, according to the Attorney General's Office. Funding is requested to hire an additional attorney to help meet current caseloads.					
Agency Request	1.00	101,300	0	0	101,300
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
11.AG Investigator					
According to the Attorney General, his office has been asked to assist in more investigations than they can accept with the current number of investigators, and legitimate requests for assistance from local entities have been turned down. Funding is requested to add one additional criminal investigator.					
Agency Request	1.00	98,100	0	0	98,100
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
12.Evidence Tracking Software					
Provides funding to purchase evidence tracking software. This system is an internal network program that would enable criminal investigators to enter all underlying information regarding a piece of evidence. The system comes with a handheld PDA that allows the user to track and log the evidence in the same way FedEx and UPS track packages. Further, the program generates the evidence forms, submission forms, and inventories of the current status of evidence.					
Agency Request	0.00	7,900	0	0	7,900
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
13.AG Office Assistant					
The Criminal Division currently has a part-time office assistant. Because the current position is overburdened, the legal secretary for the Capital Litigation Unit has had to perform those functions, as well as her normal legal support for the unit. Additional funding is requested to move this position from part-time to full-time.					
Agency Request	1.00	24,100	0	0	24,100
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
14.Additional Capital Outlay					
Provides \$32,000 for in-house video conferencing and \$12,500 for an overhead projector system.					
Agency Request	0.00	44,500	0	0	44,500
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
15. DHW Transition Positions					
The Department of Health and Welfare (DHW) and the Attorney General both agree that it would be more efficient if the classified employees for DHW that support deputy attorneys general be transitioned to the Attorney General's Office and funded through the Statewide Cost Allocation Plan.					
Agency Request	6.00	376,200	0	0	376,200
<i>The Governor recommends the transfer of these positions and associated costs from Medical Administration and Management and Indirect Support Services at the Department of Health and Welfare to the Office of the Attorney General. This transfer better aligns the staff with the agency for which they work.</i>					
Governor's Recommendation	6.00	370,200	0	0	370,200
16. Carryover Authority - Special Litigation					
The agency requests authority to carryover any unencumbered and unspent appropriation balances from FY 2009 into FY 2010 for the Special Litigation program only. Carryover requires legislative approval.					
Agency Request	0.00	0	0	0	0
Governor's Recommendation	0.00	0	0	0	0
FY 2010 Total					
Agency Request	226.15	21,893,400	229,700	989,400	23,112,500
Governor's Recommendation	214.15	18,775,900	225,000	976,200	19,977,100
Agency Request					
Change from Original App	21.00	2,677,800	4,500	107,400	2,789,700
% Change from Original App	10.2%	13.9%	2.0%	12.2%	13.7%
Governor's Recommendation					
Change from Original App	9.00	(439,700)	(200)	94,200	(345,700)
% Change from Original App	4.4%	(2.3%)	(0.1%)	10.7%	(1.7%)